Kosovo: From Interim Status to Enhanced Sovereignty

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Introduction

It is unlikely that postponing the future status process [for Kosovo] will lead to further and tangible results… The international community must do the utmost to ensure that, whatever the eventual status of Kosovo it does not become a failed state…the future status process does not mean entering the last stage, but the next stage of the international presence.

~Kai Eide, Special Envoy of the UN Secretary-General (October 2005)

Kosovo is clearly on the cusp of a major change in its status. But the details of the change are still unknown, and Kosovo's altered status may be less fundamental than many hope or expect. For the past six years, under the provisions of the United Nations resolution that ended the NATO war with Yugoslavia, Kosovo has had an ambiguous status; technically remaining a part of Serbia, within the imperfectly integrated two-unit federation of Serbia and Montenegro, but in fact, governed by a protectorate structure, the United Nations Interim Mission for Kosovo (UNMIK).

During those six years, regular elections for central and local assemblies were held and governmental institutions were established. UNMIK has slowly transferred powers—except for justice and security—to local political authorities substantially composed of Kosovo Albanian political party activists. Widespread anti-Serb riots throughout the province in March 2004, combined with UNMIK's failure to achieve significant advances in democratic consolidation and sustainable economic development,[1] finally galvanized the international community to focus greater attention on Kosovo. This led to a comprehensive UN appraisal of conditions in the protectorate and, by the fall of 2005, to a United Nations decision to initiate talks on Kosovo's future status.

By the time the imminent talks were announced, the international community had reached a consensus on three points:

1. Kosovo should not return to its pre-1999 *de jure* linkage with Serbia and Montenegro.
2. There should be no territorial linkage or any new sovereignty-association of Kosovo's territory with neighboring states.

3. Kosovo needs to move to some form of enhanced sovereignty but its new governance structure should, at least for the immediate future, be something less than “final” status, or full statehood.

While most Albanians (constituting over 90 percent of the population) in the protectorate seek full state sovereignty for Kosovo, the Serb minority community desires to retain the status quo, or at least to block outright independence. The agenda of the Serb minority has been advanced—indeed often manufactured—by the Serbian regime in Belgrade. For its part, the Belgrade regime has promoted a vague notion for Kosovo’s future—“more than autonomy, less than independence”—which envisions very little modification of the status quo.

Two related features— Serbia’s influence (including nominal sovereignty over Kosovo) and Kosovo’s indeterminate future status—make Kosovo’s transitional regime a peculiar case of internationally administered interim governance. By keeping the status of Kosovo ambiguous, the UNMIK administration avoided confrontation in a compromise that left everyone somewhat dissatisfied. Sectoral politics within Kosovo is prodded and mollified variously in alternate arenas, within Serbia and across the European Union (EU). At the same time, this ambiguous status and the multi-organizational nature of UNMIK have stymied the mission’s ability to form an effective and domestically legitimate government, creating many failures in governance and security. UNMIK now must navigate a future in which Kosovo, while not technically a “state,” avoids state failure.

The case of interim governance in Kosovo illustrates the dilemma for the international community when it becomes closely associated with the activities of a secessionist insurgency, even if this involvement stemmed from a well-intentioned attempt to quell inter-ethnic violence, remove a dictatorial regime, and achieve humanitarian goals. Such an association was the net effect of the United States alliance with the Kosovo Liberation Army in 1999. Enormous difficulties can then arise if the international community proves unable or unwilling to allow the secessionism to reach its logical outcome, i.e., full independence, or alternatively, to robustly and effectively take complete charge and address the complex political and socio-economic problems which originally motivated the insurgent movement.

UNMIK: The Paradoxes of Seemingly Permanent Interim Governance

As considerable comparative evidence attests, the obstacles to successful state-building and democratization, as well as to other aspects of transition in post-conflict environments, are exceedingly difficult to overcome, even when issues of state sovereignty and the locus of political power are far more clarified than they have been in Kosovo since mid-1999. The establishment of the UNMIK mission took place in a highly disrupted and politically volatile inter-ethnic climate that followed the ethnic cleansing of Kosovar Albanians by Serb police and paramilitary forces during the 1990 war, and the mutual atrocities that occurred during the struggle. That context compounded the already considerable difficulties arising from the antagonistic history of Serb-Albanian relations in Kosovo, the political repression and violence carried out in the province by the Milosevic regime in the late 1980s and 1990s, the bloody struggle between Serbian forces and Albanian insurgents in 1988-1999,[2] and the collapsed political negotiations between Kosovar Albanians and Serbian leaders at the early 1999 Rambouillet conference.

UN Security Council Resolution (UNSCR) 1244 (passed on June 10, 1999), determined that Kosovo would remain a *de jure* part of Yugoslavia (now Serbia and Montenegro), but accorded it “substantial autonomy and meaningful self-determination.”[3]

Since this time, Kosovo has been in limbo—neither fully independent, nor completely subject to the Serbian government—and no side of the Kosovo war has been satisfied with Kosovo’s status. It is widely believed that the 1999 UN Security Council resolution, which left Kosovo’s sovereignty

and future status uncertain and ambiguous, has impeded the operation of the interim arrangements and various constitutional/administrative measures in Kosovo over the past six years. Lacking state sovereignty, substantially a protectorate run by competing international organizations working under UN auspices, Kosovo could aptly be described as a "surrogate state." Kosovo's limbo status fulfilled the respective sovereignty fantasies of the two principal ethnic communities regarding the issue of legitimate political authority, and also the optimistic and well-meaning, albeit often naïve, belief of international officials that they were actually engaged in "state-building."

Consequently Kosovo, has been unable to develop an adequate level of institutional capacity and legitimacy, and also sufficient minority and human rights protections, which are necessary for the development of a self-sustaining democratic polity with a viable political and socio-economic infrastructure.

Initially under-prepared and understaffed, the UNMIK mission also found itself confronted by a potentially threatening power vacuum. UNMIK entered into an authority-sovereignty deficit created by the wartime destruction or atrophy of the Albanian community's parallel institutions (controlled by the Kosovo Democratic Alliance, LDK, of Ibrahim Rugova) that had functioned during the Milosevic period, and the hasty withdrawal of the Serbian governmental and security apparatus after Milosevic's capitulation. At the same time as the internally quite authoritarian, but tactically non-violent LDK was disintegrating, the military and political representatives of the Kosovo Liberation Army (KLA) were increasing their influence.

Working within the complex environment of an ethnically polarized, factionalized, and violent society, and also in the context of a considerable ambiguity regarding Kosovo's future sovereignty, UNMIK officials were often conceptually unsure about whether and how to share power with the local population and political structures. The vast majority of the Albanian population and all its political parties yearned for independence, and viewed the "new" Kosovo as their state-like patrimony, or a state-in-formation. During and immediately after the war, Albanian officials—particularly KLA operatives—took control of many of Kosovo's municipalities. The newly arrived international officials lacked the capacity or often the political will to dislodge the newly installed local elites.

Very early in its post-war evolution, UNMIK elaborated a loosely coordinated four-pillar structure:

1. *Police and Justice* controlled directly by the United Nations (until 2000 a humanitarian assistance pillar under UNHCR);
2. *Civil Administration* run by the UN's Department of Peacekeeping Operations;
3. *Democratization and Institution-Building* led by the OSCE; and
4. *Reconstruction and Economic Development* led by the EU. Responsibility for security resided in the hands of NATO through the Kosovo Force (KFOR).

The division and overlapping responsibilities between different international organizations in UNMIK (along with the multiplicity of local and factionalized domestic actors, and also the residual role of the Belgrade authorities), contributed to inter-organizational conflicts, turf battles, lack of communication, as well as various other problems of the UN mission's overall operational coordination and coherence. These problems were significantly compounded by the extreme angst regarding the status of Kosovo exhibited by both international officials and domestic actors. Commentators who have closely observed UNMIK's operations have pointed out how the UN mission faltered owing to the absence of a clear set of goals, lack of organizational cohesion, and serious challenges from a complicated terrain of competing and cunning local forces who believed they appropriately enjoyed far more political legitimacy than the international mission.

Gradually UNMIK devised various procedures and administrative agencies for managing Kosovo and for engaging the cooperation and reconciliation of the local communities.[4] But UNMIK never fully recovered from the organizational dilemmas that flowed from the troubled and jurisdictionally confused circumstances of its organizational birth. Most of the deficiencies in the areas of legitimacy and institutional capacity that have afflicted Kosovo in 2004 and 2005, and may continue to retard its future status, can be directly linked to these early stages of the UNMIK mission.

The UN mission's internal organizational rivalries also contributed to UNMIK's highly uneven record of success in broad areas of interim governance such as democracy-building, justice, economic development, and inter-ethnic reconciliation. UNMIK proved successful at creating a modicum of political stability and economic reconstruction, and also organizing competitive elections at the municipal level (October 2000 and October 2002) and for the central Legislature (November 2001 and October 2004).

But the legitimation and effectiveness of the new institutional structure and UNMIK itself were also undermined by the persistent polarization of the Albanian and Serb communities, as well as the uncompromising and often violent pattern of political pluralism within the emergent Kosovo party system. Formally, the UN had managed to elaborate a regime structure composed of various transitional or provisional institutions, but the weak capacity and shallow legitimacy of the interim governmental structure resembled a failing or extremely fragile state. Against the background of Kosovo's unresolved future status, all these problems festered and created a sense of drift.

Increasingly UNMIK was viewed as maintaining "colonial" rule, hoarding its reserve powers, and limiting the Albanian community's right to move beyond the narrowly defined "substantial autonomy" provided by UNSCR 1244. Serbian political activists were equally alienated from UNMIK, which they alleged coddled the Albanian side and encouraged Albanian sovereignty aspirations. As a result, inter-ethnic reconciliation stalled, the UN mission increasingly lost legitimacy, and intra-party relations on the Albanian side overheated and became more violent.[5]

Explosion and a New 'Exit Strategy' (2004-2005)

In mid-March 2004 the accumulated problems in Kosovo, and particularly the mistakes and delinquency of the interim government structure, came into sharp focus when Kosovo was rocked by a wave of communal violence and chaos. Ethnic Albanians turned against both their Serb neighbors and the international administration. The violence that took place from March 17 to19—which had premeditated features but, as mobs rampaged, would also metastasize into spontaneous activities—left 19 people dead (11 Albanians and 8 Serbs), hundreds injured, and over 4000 people displaced from their homes. Nearly 750 Serb-owned houses, 36 Serb Orthodox churches and religious sites were destroyed or damaged.

The trigger for the March chaos has been traced to specific incidents such as the drowning of three ethnic Albanian children on March 16 in the divided town of Mitrovica, after they were allegedly chased into the river by Serbs, and to Serb roadblocks in central Kosovo following a violent incident in which a Serb teenager died. But the crisis in March certainly also reflected deeper socio-economic and ethno-political problems, many of which were connected with Kosovo's unresolved status. "The March violence in Kosovo was unexpected," aptly observed James Pettifer, "but causes lie deep in the unresolved future of Kosovo and complacency and lack of attention by the International Community."[6] The international authorities did their best to arrest the ringleaders and perpetrators, and also to bring those responsible for the riots to trial.

The March upheaval in Kosovo was a profound shock to the interim governance structure. UNMIK and KFOR were badly prepared and proved disoriented in dealing with the crisis, and

NATO reinforcements were quickly rushed to Kosovo. A report by the Kosovo Ombudsperson Institution pessimistically concluded: “it has now become increasingly difficult to maintain any form of pretense that there is a reasonable possibility of creating a real multiethnic society in Kosovo in the foreseeable future.”[7]

The riots prompted the international community to completely reconsider and reorient its strategy for dealing with Kosovo. Veton Surroi summed up the coming change on March 19, even before order had been restored: “A policy died yesterday in Kosovo and it took human lives in the most tragic way. It was a policy that involved a confrontation between UNMIK and the Kosovars over the transfer of powers.[8] International officials suggested that their policy of implementing standards would continue, and a new (quite comprehensive, but extremely long and complex) implementation plan was released.

There was also broad recognition, however, that a more fundamental policy shift was also necessary. It was Ambassador Kai Eide’s August 2004 “Report on the Situation in Kosovo,”[9] prepared for Kofi Annan in order to develop a policy response to the March crisis, that began a new chapter in the evolution of the international administration. Eide noted that UNMIK was in “disarray” and lacked “internal cohesion,” and that consequently UNMIK had become the target of everyone’s blame. He granted that UNMIK itself had been “a victim of the lack of clear political perspective.” But Eide slammed UNMIK for having become static, inward looking fragmented and routine...with a serious lack of a rational, unifying plan.” He recommended a gradual overhaul of UNMIK, which would temporarily retain its four-pillar structure. He also urged the UN to prepare for a “gradual reduction of its presence to be accompanied by a parallel increase in the EU and a continuation of the OSCE presences.”

It had already been suggested for some time, particularly by some Albanian leaders, that the formula for future progress in Kosovo should be changed to standards *along with* (rather than before) status. Eide’s report accepted that suggestion and made some other interesting policy innovations. According to Eide, the notion of meeting a series of standards before beginning status talks was a policy that lacked “credibility” and was “untenable.” Eide called for a “more dynamic standards policy with achievable priorities reflecting the most urgent needs, including those for the future status process.”

According to his report, there needed to be an accelerated “transfer of competences” to Kosovo provisional institutions, including those in “core residual areas,” a “robust policy of interventions and sanctions in cases of inappropriate performance,” and also “more ambitious and systematic capacity building.” The big push was now on to advance standards *and* status. “In the current situation in Kosovo,” Eide remarks, “we can no longer avoid the bigger picture and defer the most difficult issues to an indefinite future.” He was confident that the Albanians had accepted they had done “too little, too late to stem the violence” in March, and they needed to reach out to the Serbs. He was equally convinced that the Serbs realized they could not avoid involvement in the political process. Although there was actually very little indication that views had changed as much as Eide thought, his report signaled a major policy reversal. The current (June-July 2005) standards implementation review being conducted by Eide may be viewed as a continuation of his August 2004 report to Secretary General Annan in response to the March events.

Eide’s report and the UN’s acceptance of its recommendations did not serve to instantly re-energize the UNMIK mission, as he suggested, or to ensure the achievement of standards,[10] but it did change the overall climate and direction of international and internal discourse regarding Kosovo. SRSG Holkeri resigned for health reasons in May 2004 and was replaced by Denmark’s Soren Jessen-Petersen, who was committed to the Eide recommendations. The March events, the Eide report, and anticipated status talks created new momentum in UNMIK to accelerate the transfer of powers to Kosovo institutions, and to achieve the implementation of standards.

Moving Kosovo's Status towards a Conclusion: The 2005 Eide Report

It is against this backdrop that the current situation should be understood. For several months during the first part of 2005, the issue of Kosovo's future status awaited the completion of another situation report under preparation by Eide. Eide's UN mission, again commissioned by UN Secretary-General Kofi Annan, followed the launching of a major policy initiative by the United Sates that accorded future status talks for Kosovo a very high priority. Eide's report, submitted at the end of September 2005, reached a number of important conclusions that have set the stage for the present debate on Kosovo's future.[11]

Eide concluded that the economic situation in Kosovo remained "bleak," and that the foundations for a multiethnic society were "grim." Thus, although the "institutional vacuum" in Kosovo after the 1999 war no longer existed, the society was still suffering from the effects of a "post-conflict trauma," and the behavior of self-interested politicians who did not view themselves as guardians of the public trust. Kosovo Albanians, Eide observed, had done little to dispel the security fears of the Kosovo Serbs; the rule of law had not been adequately entrenched; organized crime and corruption remained rampant; and political institutions were "fragile." For example, Kovoso's justice system has failed to respond adequately to the March 17-18 riots, which involved approximately 51,000 people, left 19 people dead, forced more than 4,000 people, mainly Serbs, to flee their homes, and led to the destruction of more than 6,000 Serb houses and more than 30 churches. A recent OSCE report concluded that "the weak response of the courts to the crimes committed…not only contributed to the impression of impunity among the population for such kinds of ethnically motivated crimes, but may also be considered inadequate to prevent similar acts of public disorder in the future."[12]

Still, on balance, Eide expressed the view that the launching of status talks would be a stimulus to both economic and political improvement, and that, in any case, something fresh needed to be tried to achieve forward momentum for the troubled region. Eide recommended expanding the decentralization process in order to assist minority communities to control their local affairs and to develop a state in Kosovo's political system. Determination of future status could not wait, in Eide's opinion, until the protracted process necessary to consolidate democratic standards had been completed. But he admitted that should status changes not be accompanied by real progress on standards, the entire exercise might prove counter-productive.

Even though determining Kosovo's future status should not wait for this process to take root, nevertheless Eide stressed that governmental institutions must be substantially strengthened. He noted that Kosovo sorely needs to develop a democratic "parliamentary culture," and to establish a public service sector that is not simply composed of various ministries and agencies that function as the fiefdoms of different political party organizations and party elites. Such institutional capacity-building would take a long time, and would require the development of a new outlook and mentality (including the need for a depoliticized university) in Eide's view.

Under present conditions and recent difficulties, Eide seemed cautious about what might be achieved, and recommended sensitivity on the part of all Kosovo ethnic communities. He urged inter-ethnic reconciliation, but was careful not to inflate expectations: "Kosovo will not in the foreseeable future become a place," he aptly noted, "where Kosovo Albanians and Kosovo Serbs are integrated. They probably never were." Consequently, he also indicated the need for international organizations and security forces to play a prominent role in the next stage of Kosovo's development, and particularly drew attention to the potential role that might be played by the European Union.

On November 21, 2005, in a symbolic gesture precisely ten years after the signing of the Dayton Accord ending the war in Bosnia, former Finnish president Martti Ahtisarri arrived in Kosovo as a UN envoy to begin preparing for status talks on Kosovo's future. Ahtisarri's arrival came only two

months after the submission of the Eide Report and demonstrated the international community's determination to move expeditiously to finalize Kosovo's status. Ahtisarri began a round of shuttle diplomacy to explore matters, which was to be followed by the start of direct talks between the various actors involved (the Kosovo Albanians, Kosovo Serbs, the Belgrade regime, and members of the international community). Such talks would likely begin in February-March 2006, and will probably last for six months to a year. But though the international community, and local and regional actors, now shared the view that the Kosovo status issue needed to be addressed, there were still various differences among all the participants who were about to begin direct negotiations.

The Kosovo Albanians

A profound ethnic division exists within Kosovo regarding the future status of the region. The Albanians of Kosovo overwhelmingly support the notion that the interim arrangements under which they are now ruled should be quickly replaced by an independent state. For example, one opinion poll conducted in September 2005, revealed that 90 percent of the Albanians surveyed supported full independence, as did 90 percent of the non-Serb minorities,[13] while the notion of Kosovo remaining part of Serbia as an autonomous province was supported by 86 percent of the Kosovo Serbs (a view also seen as favorable by 65 percent of Serbs polled in Serbia).[14]

But the Albanians of Kosovo, and particularly the various political parties which they support, are not monolithic with regard to their respective negotiating positions and willingness to compromise. Not surprisingly, public positions among Albanians in Kosovo regarding the goal of independence range from the uncompromising to the more pragmatic, and the positions espoused reflect the underlying cleavages and competitive features that characterize the current political landscape. Although six major parties endorsed a resolution on independence approved by the Kosovo Assembly in mid-November 2005, such unity masks the considerable tactical differences among various Albanian political forces.

For example, the controversial and popular speaker of the Assembly, Nexhat Daci of the Democratic League of Kosovo (LDK), is renowned for his fanatical commitment to Kosovo independence, and his extremely blunt rhetoric. Daci has dismissed any effort to seek nuanced or compromise solutions in the coming status talks, arguing that the international community "should not waste time and energy in finding a solution that is not the will of Kosovars."[15] For Daci, and those who sympathize with his views and espouse an intransigent position, the policies of Serbia and of Kosovo Serbs opposed to the independence option and calling for new modes of autonomy, should be largely ignored. "Kosovo has a capacity to become a normal Balkan state," according to Daci. "It would be the wrong investment if we spent money, time and energy seeking new models." He also advocated the "urgent" transfer of power from UNMIK to Kosovo institutions in the areas of justice and security, and he cautioned against the creation of an "asymmetric decentralization" which would allow predominantly Serb municipalities to become "new enclaves organically related between themselves and administratively connected with Belgrade."[16] Daci's views are illustrative of a strong current in Kosovo Albanian society that not only rejects the consideration of Serbian interests regarding Kosovo, but is also highly suspicious of the motives and policies of the international community.

A slightly more pragmatic and flexible position is taken by Hashim Thaci, of the Democratic Party of Kosovo (PDK), which grew out of the wartime UCK. Thaci has also warned against excessive accommodation of the Serbs, and generally stresses the grievances and claims of the Albanian side. Thaci has admitted that "there is certainly an element of prejudice in [Kosovar] society towards ethnic Serbs." But rather than focusing on the urgency of eliminating such prejudice, Thaci generally seeks to explain or excuse its origins in recent history, as well as the equivalent hostility of Serbian society towards Albanians and the Belgrade regime's failures to assist aggrieved Albanians.[17] There has been a deep division between Thaci and Daci, but they and their respective political organizations have recently been cooperating more closely.

Other Kosovo Albanian politicians, such as Veton Surroi of the ORA Party—who like Thaci and Daci is a member of the Kosovo Albanian team for negotiations on status—are very pragmatic about the status talks which lie ahead, and fully realize that security for the Serb minority is a critical matter for Kosovo's future, and is also an issue of central concern for the international community. For example, Surroi recognizes that the protection of Kosovo Serbs, and the future development of their identity and cultural life, must be the subject of negotiation and resolution before the topic of Kosovo's full independence is broached. Surroi and other Albanian moderates are also more willing to assist in raising awareness of minority rights among the Kosovo Albanian majority, and also discussing various problems of democratization commented on in the Eide report. As Surroi told a Belgrade newspaper in October 2005: "The fact that all [the Albanians] seek independence doesn't mean that we seek an authoritarian society or a society that doesn't respect the rights of minorities and others… Among Kosovo Albanians we must construct a consciousness that Serbs are part of Kosovo…and that the Serbian minority is in a position in which it must have mechanisms and instruments for positive discrimination."[18]

Meanwhile, Kosovo's president, Ibrahim Rugova (extremely ill with cancer) and prime minister, Bajram Kosumi, have attempted to express the sovereigntist yearnings of their ethnic group, and maintain Kosovo's unity, while still leaving sufficient room for maneuver in the upcoming negotiations. Rugova has an extremely high moral and intellectual status in Kosovo Albanian society, but he might not be physically capable of strong leadership during the status negotiations. Moreover, the fact that an internal factional fight is beginning in Rugova's party over the need for his likely replacement, may also influence the cohesion of the Kosovo Albanian negotiating team.

The Serbs in Kosovo, and in Serbia

The majority of Serbs, whether in Kosovo or in neighboring Serbia, are resolutely opposed to the full independence of Kosovo. But polls also reveal an increasing acceptance over the last few years by Serbs in Serbia that they will not be able to retain even *de jure* control over Kosovo.[19] Not surprisingly in these circumstances various views exist in the Serbian community regarding what negotiating position should be adopted in the forthcoming status talks.

The Serbian elite is divided on the question of Kosovo, as on so many other issues. But many Serbian opinion-makers and commentators believe that by adopting a reasonable position in the negotiations, and by finally accepting some kind of an internationally sponsored conditional or limited independence for Kosovo, Serbia will be able to extract more concessions in the talks, and particularly international support for Serbia's entry into the EU and various Euro-Atlantic institutions such as NATO. Moreover, an obstructionist Serbian posture on Kosovo will, according to the moderate view, endanger Serbia's own transition to democracy. Although the Serbian Assembly in November endorsed a resolution which emphasized the "inviolability" of Kosovo's position within Serbia, and rejected any "imposed solution," the document was essentially an initial "patriotic" position statement for the coming status talks, rather than a practical basis for the discussions and compromises that will emerge. But on the whole, Serbian elites have welcomed the Eide Report on Kosovo, mainly because it underlines the serious outstanding problems in Kosovo that need to be dealt with before the protectorate can be transformed into an independent state.

The right centre (some term it neo-nationalist) multiparty coalition that now constitutes the minority government of Serbia, led by Prime Minister Kostunica, has endorsed the policy of "more than autonomy, less than independence." That formulation would technically leave Kosovo within Serbia-Montenegro. The proposal envisions a highly decentralized Kosovo governance structure, and includes effective cohesion among the predominantly Serb municipalities and smaller enclaves, as well as a continued close linkage between Serbia and the Kosovo Serbs. Meanwhile, the moderate president of Serbia, Boris Tadic, another member along with Kostunica of the Serbian delegation to the Ahtassari talks (but whose Democratic Party is not in the government), has advanced a two entity plan for Kosovo (an Albanian entity and a Serb entity), which is quite

similar to the position of the ruling coalition. Tadic's plan closely resembles aspects of Dayton Bosnia, and includes the retention of international officials and security forces in Kosovo for some time to come, as well as strong cultural links of the Kosovo Serb minority community to Serbia. Tadic's plan has won the support of his political rival, Prime Minister Kostunica. Thus, Tadic and Kostunica both stress the urgent need to develop mechanisms for the protection of the Kosovo Serbs, and the return of displaced Serbs who have been forced to leave the protectorate. The Tadic-Kostunica nexus is complicated by the fact that Tadic hopes to promote early elections in Serbia, both to legitimize his views on Kosovo, and to replace the Kostunica-led coalition.

Both the Kostunica government's plan for Kosovo's future, and the Tadic variant, leave the region within the territorial confines of Serbia and Montenegro. Such a solution is totally unacceptable to the Kosovo Albanians. But supporters of Tadic and Kostunica regard their ideas as substantially more reasonable for Kosovo than more extreme views which favor a formal partition of the protectorate along ethnic lines. Moreover, compared to Tadic and Kostunica, the highly nationalist Serbian Radical Party—whose popularity has been growing and will likely expand if Serbia's control over Kosovo is diminished—and other even more radical nationalist groups, are far more intransigent in their rejection of Kosovo independence, or any type of enhanced sovereignty for the protectorate.

Meanwhile, the Kosovo Serbs—most of whom are concentrated within a few municipalities—are primarily interested in their own security, and depend heavily on the advocacy of their interests by the contending political forces in Belgrade. Kosovo Serb leaders have tried to emphasize the need for full realization of democratic standards in Kosovo prior to any kind of enhanced sovereignty or independence for the region, as well as the need for "realistic decentralization," and the full participation of their minority community in Kosovo's governing institutions.

The International Community

By 2005, the major players in the international community that had assumed responsibility for Kosovo since 1999—centered in the Contact Group made up of the United States, Russia, and four EU states (Great Britain, Germany, France and Italy)—had reached a general consensus regarding the basic principles for the negotiation of the protectorate's future status. But differences still remained among the international players regarding the details and timetable of moving beyond the current interim arrangements, and in some cases there continued to be disagreement on fundamental issues.

Each of the major international players will have its own special envoys in the status negotiations led by Ahtassari, and they will inevitably have different views about what should emerge from the talks. For example, the United States is taking a strong stance in favor of minority protection to ensure the security of the Serbian community, and thus the need for very substantial decentralization of power to local communities. But Russia will be more vigorous than Washington in supporting the institutionalization of close links between the Kosovo Serbs and the Belgrade regime. Serbia's ability to mobilize support from the United States and the EU will also certainly be limited by Belgrade's lethargic cooperation on the matter of dealing with indicted war criminals who are still at large. By late 2005, in preparation for the political battles ahead, and conscious of the important role that will be played by the United States in determining Kosovo's future, both the Albanian and Serbian sides were actively organizing their lobbying efforts in Washington. On balance, the Albanian side appeared better equipped in terms of financial resources and contacts with sympathetic former U.S. officials, think tanks, and international lobbyists. But Serbian leaders were also beginning to employ high profile American and foreign lobbyists in order to mobilize support for their views.[20]

The respective roles for NATO and the EU regarding future security arrangements in Kosovo also remain to be worked out. In this regard, the Berlin- Plus arrangements for EU-NATO cooperation

that have worked well for a EU takeover of the mission in Bosnia may provide a useful model for Kosovo. But the issue of what form EU participation in Kosovo would actually take remained very much an open question at the end of 2005. Conscious of its failures in the Balkans during Yugoslavia's dissolution, the EU in recent years has been very active in military security and policing operations in both Bosnia and Macedonia, and through its diplomatic and economic initiatives has been quite engaged throughout the region. As EU foreign and policy security chief, Javier Solana commented recently: "The importance of continued EU engagement in the Balkans cannot be overstated. More than any other region in the world this is a European responsibility. Quite simply we cannot afford to fail here."[21]

But the EU's future role in Kosovo has yet to be determined in detail. The Eide Report recommended substantially increased EU involvement. However, the political will and resources allocated by EU members will be of critical importance in any final decision, along with the extent of international supervision to be decided in the status talks, and the receptivity of the Kosovo Albanians and Kosovo Serbs to different forms of international oversight. In late 2005 there appeared to be substantial disagreement among EU member states about the best resolution of Kosovo's future status. Indeed, diplomats from the Czech Republic, Slovenia, Spain, Greece, and Italy were all promoting various ideas regarding Kosovo, some of which are clearly at odds with the EU's common policy. For example, in a controversial speech, Czech Prime Minister Jiri Paroubek suggested that partitioning Kosovo along ethnic lines might be the best solution: "The northern part of the region will belong to Serbia, the majority of the southern part can be given the status of an independent nation." Kosovo's ethnic groups, he added, "will have a hard time living next to each other, much less together… A soldier or police officer would have to be standing around every corner."[22]

The Czech initiative was clearly in breach of earlier EU statements opposed to Kosovo's partition. Meanwhile, Slovenia's president, Janez Drnovsek, has advanced a plan for Kosovo's full (and unpartitioned) independence; a suggestion that ran considerably ahead of the EU's policy of first providing protections to the Serbian minority. At the same time, Italy, Spain and Greece appeared concerned about the prospect of full-fledged independence for Kosovo. In the Spanish case the Basque issue made the independence scenario for Kosovo a worrisome issue, while Italy and Greece—who had led the "coalition of the willing" that had intervened in Albanian in 1997—were concerned about potential Albanian refugee outflow from a Kosovo that might turn into a failed state. The different views emerging within the EU reflected uncertainty and anxiety about Kosovo and particularly the precedent and impact of forming a new state in the Balkans. At a time when the European states were sorting out the impact of their differences over the failed EU constitution, and their various concerns over future enlargement, the potential political implications and financial burden of long-term management over Kosovo's affairs was naturally a subject of considerable debate.

Future Transitions

In late 2005, UN special envoy Ahtassari was continuing his shuttle diplomacy and discussions with interested parties in preparation for direct negotiations. He sensibly warned against "rushing unnecessarily" to any solution in the long-awaited debate on Kosovo's future. But international momentum concerning Kosovo was underway, and debate and controversy was likely to intensify during the first half of 2006. The Kosovo issue was now moving along the international fast track to a new phase of state-building and status clarification. The next stage of transitional governance pending statehood will prove critical in terms of improved management and performance by both international and domestic actors if the weaknesses of the earlier interim period after 1999 are to be avoided.[23]

It remains difficult to predict what shape the international presence in Kosovo will take as a result of the status talks. And it appears that the projected degree of international control exercised over Kosovo's political institutions and local decision-making in the near future will probably be far

more limited than the powers currently enjoyed by UNMIK, or the power that the EU's High Representative Paddy Ashdown has wielded in Bosnia. Whether this less invasive form of interim governance, or what might be termed *protectorate-lite*, can do a better job than UNMIK with respect to status implementation and democracy building, and will prove capable of managing the potential dangers ahead in Kosovo's next transition period, is an open question. The development of a "special model" for Kosovo is currently under consideration but it is still unclear what form that model will take, and it is impossible to forecast how such a customized model will impact on Kosovo's "post-status" or post-interim stage of political development.

In a world of diversity, efforts to elaborate a single or an ideal template for post-conflict interim governance are simply futile, though considerable experience and many precedents are now available from grappling with individual cases. But the record of international transitional administration in the Balkans thus far has been rather spotty. The international protectorates, or interim governmental arrangements, in Kosovo and Bosnia have been fairly criticized for being "phantom states." For example, David Chandler has argued that such states are neither "puppet regimes doing the will of the international community, nor genuine states relating to the will and needs of the population. It is not like imperialism and equally not like the old UN idea of states and sovereignty…[but] the worst of both worlds; no responsibility is taken internationally, but it's impossible for local actors to assume responsibility. Kosovo just sums that up."[24] But despite their admittedly unsatisfactory and uneven performance in state-building and democracy promotion, the international administrations and protectorates established in the Balkans during the 1990s arguably filled a critical need in the area of post-conflict stabilization and peace enforcement.[25]

Conclusion

The UN Mission in Kosovo endeavored to divert or freeze the course of Kosovo-based Albanian nationalism, hoping to gradually navigate for Kosovo, and to guide the Kosovars toward an internationally devised paradigm of democratic standards within the context of a vaguely defined sovereignty structure. Improvising an interim system of governance in the wake of the turbulent conditions that followed the 1999 war, and in a "non-country" protectorate environment proved to be an almost "impossible task," as UNMIK's first chief, Bernard Kouchner, once remarked. Starting the operation less than a decade into the post-Cold war world, UNMIK was to a large extent making it up as it went along. The international community did not have all the answers about how to deal with Kosovo and Albanian nationalism at the outset of the 21st century.

Today, beset by "transition fatigue," "enlargement fatigue," and "status fatigue," the international community, though engaged, remains in a quandary regarding the further evolution of governance for the surrogate state. Kosovo seems inevitably poised for another extended episode of interim rule—another type of protectorate or trusteeship phase—that, though unavoidable, is fraught with potential difficulties and obvious dangers.

Sources

- World Bank, "Kosovo Poverty Assessment," June 16, 2005.
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References

1. Kosovo is the poorest economy in the Balkan region, with a GDP per capita of US$790 in 2003. Approximately 37% of Kosovo's population lives on under US$1.70 a day and another 15% are in "extreme poverty" surviving on $US1.17 daily. An estimated 70% of the Kosovo Albanian population is under 30 years of age, and 50% are under the age of 20. Alexandre Kolev et al., "Kosovo Poverty Assessment," (32378-XK). (Washington, DC: World Bank, June 16, 2005).

2. James Pettifer, *Kosova Express: A Journey in Wartime* (London: Colin Hurst, 2005).

3. Annex II, Section 8 of UNHCR 1244 stipulates "a political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and other countries of the region, and the demilitarization of UCK [KLA]. Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions."

4. Early on, UNMIK exercised executive and legislative authority through consultative bodies such as the Joint and Interim Administrative Structure (JIAS), the Interim Administrative Council, and the Kosovo Transition Council (which all included Albanian and Serb representatives). A "constitutional framework for provisional self-government" was adopted May 15, 2001. Kosovo's first elected central legislature was inaugurated on December 10, 2001, followed by the formation of the Provisional Institutions of Self-Government (PISG), although UNMIK retained ultimate authority on constitutional and legal matters. By the end of 2003, the PISG had formally been awarded numerous civil administration responsibilities, except for UNMIK's "reserved powers" in

major spheres of sovereignty, including security, law and order, foreign relations, minority rights, banking, customs, and other key economic spheres.

5. Kosovo may have had a multi-party and multi-ethnic coalition government cobbled together by UNMIK, but its head Prime Minister Rexhepi—from the PDK—admitted that cooperation with president Rugova of the LDK was very limited. "We cannot sit together unless someone from the international community joins us." *Global Newswire*, September 13, 2004.

6. *Kosovo March 2004: The End Game Begins* (Surrey: Defense Academy of the United Kingdom, Conflict Studies Research Centre, April 2004); see also *International Crisis Group, Europe Report 155: Collapse in Kosovo*, April 22, 2004.

7. *Ombudsperson Institution in Kosovo Fourth Annual Report, 2003-2004,* July 12, 2004), p. 20.

8. *FBIS Report*, March 18, 2004. Surroi also noted the impressive ability of self-identified "KLA veterans" and "student leaders" to rapidly mobilize Albanian protest during the crisis, and their "organizational capacity" as demonstrated by the number of weapons that quickly appeared. But he warned that institutional life, dictated by the leadership of "those anonymous figures cannot be a real kind of institutional life…We are hostages to the incompetence displayed by the Kosovar leadership, which paved the way for UNMIK's arrogant behavior." *IWPR*, March 22, 2004.

9. *United Nations Security Council* (November 30, 2004), S/2004/932.

10. Kosovo Prime Minister Rexhepi remarked in September that "all eight standards are important, but some of them are more important than others…I think it is too ambitious to expect their fulfillment by mid-2005 when status is expected to be addressed…as for the economic standard…it will require ten more years to be fulfilled…fulfilling the standards is a process that will continue even after the resolution of Kosovo status." *BBC Monitoring*, September 13, 2004. Kofi Annan reported to the UN in mid-February 2005 that "none of the eight standards has been fulfilled." *UNSC Report of the Secretary General on the UN Interim Administration in Kosovo*, S/2005/88. By June 15, 2005, the government coordinator for the implementation of standards reported "all priority parts of the [economic] standard have been satisfied." This was disputed by an economic expert at Pristina University who noted that the pace of economic development was slow, and that the unemployment rate was only one aspect of the problem. *Kosovalive News Agency,* June 15, 2005.

11. United Nations Security Council, "Letter Dated 7 October 2005 from the Secretary-General Addressed to the President of the Security Council (Report on a Comprehensive Review of the Situation in Kosovo, Presented by Mr. Kai Eide, Special Envoy of the Secretary-General)," (S/2005/635) October 7, 2005.

12. OSCE, "Kosovo: The Response of the Justice System to the March 2004 Riots," OSCE, December, 2005).

13. UNDP, "Fast Facts on Kosovo Early Warning Report," United Nations Development Program, (11). UNDP, October, 2005).

14. *Kosovo-Kosova: Coming to Terms with the Problems of Kosovo, The People's Views from Kosovo and Serbia* (Belfast: Institute of Governance, Queen's University, Belfast, 2005).

15. *KosovaLive News Agency*, September 21, 2005.

16. *Ibid*.

17. *International Herald Tribune*, November 26, 2005, p. 4; *Koha Ditore*, November 28, 2005.

18. *Politika*, October 15, 2005.

19. During 2005, the number of Serbian respondents who thought that Kosovo's independence was a realistic possibility increased from roughly one-fourth to one-third of those polled. *Vecernje Novosti*, November 30, 2005.

20. *Financial Times*, September 2, 2005.

21. *Radio-Television Kosovo*, September 26, 2005.

22. *B92*, November 23, 2005, and *EUobserver.com*, December 1, 2005.

23. Only minimal reassurance is provided by a recent UNDP report on the capacity of Kosovo institutions to perform their roles: "The foundations for a sound system of public administration are *being established gradually*…In most areas, the level of development of the administrative system is no less advanced than it was in comparable countries at the time of independence, and it even exceeds this level on a significant number of measures." UNDP, "Assessment of Administrative Capacity in Kosovo," (April 2005), 8. On Kosovo's still fragile political, security, and economic condition, see "Early Warning Report, Kosovo," Report No. 9 (January-March 2005).

24. David Chandler, Testimony before United Kingdom Parliament, Select Committee on Foreign Affairs, Minutes of Evidence, (October 4, 2004), Questions 4-46.

25. Alexandros Yannis, "The Creation and Politics of International Protectorates in the Balkans: Bridges over Troubled Waters," *Journal of International Relations and Development*, 5, No. 3 (September 2002), 258-274.